

DATE

Ms. Cherrise Picard
Executive Director
Chez Hope, Inc.
P. O. Box 98
Franklin, LA 70538

Re: Docket No. 2022-325
Advisory Opinion

Dear Ms. Picard:

The Louisiana Board of Ethics, at its meeting on May 6, 2022, considered your request for an advisory opinion as to whether the Code of Governmental Ethics (“Code”) applies to Chez Hope, Inc. You also asked that if the Code does apply, would Chez Hope, Inc. be prohibited from entering into a contract with an accounting firm that employs the former board president’s son.

FACTS PROVIDED

Chez Hope, Inc. is a nonprofit organization that provides services to victims of domestic violence, community education, law enforcement training and support services. It also coordinates domestic abuse intervention through the court system and provides services to child victims of domestic violence. Chez Hope, Inc. receives a significant portion of its funding from federal grants through the Louisiana Department of Children and Family Services and the Louisiana Commission on Law Enforcement.

Chez Hope, Inc.’s board president, Chuck Autin, resigned effective April 22, 2022. Mr. Autin’s son works for an accounting firm with whom Chez Hope, Inc. would like to contract for its bookkeeping and human resource services.

ISSUE

Are Chez Hope, Inc.’s board members subject to the provisions of the Code of Governmental Ethics?

LAW

La. R.S. 42:1102(18)(a) defines “public employee” to mean “anyone, whether compensated or not who is:

- (i) an administrative officer or official or a governmental entity who is not filling an elected office.
- (ii) appointed by an elected official when acting in an official capacity, and the appointment is to a post or position wherein the appointee is to serve the governmental entity or an agency thereof, either as a member of an agency, or as an employee thereof.
- (iii) engaged in the performance of a governmental function.
- (iv) under the supervision or authority of an elected official or another employee of the governmental entity.”

La. R.S. 42:1102(12) defines “governmental entity” to mean “the state or any political subdivision which employs the public employee or employed the former public employee or to which the elected official is elected, as the case may be.”

ANALYSIS

Chez Hope, Inc. was created as a nonprofit organization and not by the state or any political subdivision; therefore, it does not appear to meet the definition of “governmental entity” in La. R.S. 42:1102(12). Furthermore, it does not appear that the board members of Chez Hope, Inc. are performing a governmental function which would subject its board members to the provisions of the Code as “public employees.” La. R.S. 42:1102(18)(a).

CONCLUSION

The Board concluded, and instructed me to inform you, that Chez Hope, Inc.’s board members are not subject to the provisions of the Code. Accordingly, the Board declined to answer your question concerning the propriety of the accounting firm entering into a contract with Chez Hope, Inc., since this issue is not under its jurisdiction.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Governmental Ethics. The Board issues no opinion as to past conduct and or to laws other than the Code of Governmental Ethics, the Campaign Finance Disclosure Act, the Lobbyist Disclosure Acts, and the conflict of interest provisions contained in the Louisiana Gaming Control Law.

Sincerely,

LOUISIANA BOARD OF ETHICS

Kathleen M. Allen
For the Board